



"The City With a Heart"

Jim Ruane, Mayor
Rico E. Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

MINUTES
SAN BRUNO CITY COUNCIL
&
SAN BRUNO REDEVELOPMENT AGENCY

June 22, 2010

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council and San Bruno Redevelopment Agency met in regular session on June 22, 2010 at San Bruno's City Hall, 567 El Camino Real, San Bruno, CA. The meeting was called to order at 7:00p.m.

Mayor Ruane thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor/Chair Ruane, Vice Mayor/Vice Chair Medina and Council/Agency Member Ibarra. Council/Agency Members O'Connell and Salazar were excused with notice. Recording by Clerk Bonner. **City Attorney Thompson** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Ruane announced City Attorney Pamela Thompson would be leaving the City of San Bruno and she would be talking later in the meeting.

4. PRESENTATIONS:

5. REVIEW OF AGENDA:

6. APPROVAL OF MINUTES: Regular City Council Meeting of June 8, 2010, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of June 6, 2010.

b. **Approve:** Accounts Payable of May 31, June 7 and 14, 2010.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated May 31, 2010.

d. **Accept:** Letter of Resignation from Parks & Recreation Commission Member Bob Stanton. Declare a Committee Member Vacancy and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

M/S Ibarra/Medina to approve the consent Calendar and passed with all ayes.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

Hold Public Hearing and Adopt Resolutions:

Approving the City Manager's Recommended 2010-11 General Fund, Special Revenue Funds, Enterprise Funds Budget;

Approving the City Manager's Recommended 2010-11 San Bruno Redevelopment Agency Budget;

Determining that the planning and administration expenses funded in fiscal year 2010-11 by the Low and Moderate Income Housing Fund are necessary for the production, improvement, and/or preservation of affordable housing for low and moderate-income households.

City Manager Jackson asked to consider moving this item to the next meeting when all Council members are available. She said they could present the staff report this evening or hold it until the next meeting and simply open the Public Hearing and take any comment from the public and continue it until the 13th.

Mayor Ruane opened the Public Hearing. No one wished to speak. The public hearing will be continued until the meeting of July 13. **City Manager Jackson** said this would call for a Special Meeting of the City Council to be possibly scheduled next week to adopt an appropriations resolution to allow a limited number of appropriations in order that operations can continue.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

10. CONDUCT OF BUSINESS:

a. Adopt Resolution Approving the City's Appropriations Limit of \$29,035,917 for 2010-11 (Gann Initiative.)

Finance Director Suen gave an overview of the staff report and asked for questions.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote. **Councilmembers O'Connell and Salazar** excused with notice.

b. Waive Second Reading and Adopt Ordinance Approving Amendment to the Development Plan to Allow Two Alternative Design Options:

Adopt Resolution Approving a 12-Month Extension of Planned Development Permit 05-02, which Currently Allows for the Demolition of the Existing 308 Unit Apartment Complex and the Development of 510 New Residential Units;

Adopt Resolution Approving Planned Development Permit 10-01 and Architectural Review Permit to Allow for the Renovation of the Existing 308 Apartment Units, Per Chapter 12 of the San Bruno Municipal Code, as an Alternative Project Design Option under the Development Plan.

Community Development Director Aknin gave a brief background of the project and an overview of the staff report.

Sean Finnegan, AIMCO said he provided a graphic handout of the storm drains at Pacific Bay Vistas Apartments that showed it serves part of Evergreen and the streets. He said they would like the City to maintain the catch basins and storm drains that go to Susan Drive. He said they would maintain the storm drains into their property.

Mayor Ruane asked what has been the typical responsibility for storm drains. **Aknin** said storm water systems passing through private developments are maintained by the homeowners in the development, next to other utilities, which will be maintained.

Vice Mayor Medina said, touching on the roads briefly, he knew there were clear standards being set by the City and he wanted the assurance that all the standards and obligations are met by the developer. **Finnegan** said that was the understanding and they were doing more and it is in the improvement agreement.

Councilmember Ibarra asked what the liability could be in the immediate future for the storm drains? **Public Services Director Fabry** said it is a long-term financial concern because the storm water fund is limited and not enough to manage this system, city-wide and this is how staff analyzed

this situation and made this recommendation. **Councilmember Ibarra** asked if something were to happen right on Susan Dr.? **Fabry** said surface runoff from one property to another property and they are still maintained by those property owners.

Councilmember Ibarra asked how would you distinguish between maintaining the storm drain just in the road? **Fabry** said her recommendation would be to take no portion of the storm system.

Finnegan said since the City has catch basins on both streets receiving City waters and if the City agreed to take on those, they would be willing to take on the 200-foot segment between the two buildings, on their property. **City Manager Jackson** said the portion of the storm drain on private property should not be part of Council's decision and before Council this evening is a completely discretionary approval that confers a significant entitlement to the property owner where there are two different options provided to the owner for their eventual development of the property.

City Attorney Thompson said she agreed with the City Manager. This is an entitlement that is unusual, unique and different. It is at Council's discretion to grant it. She said given what is at stake, the Council taking over the road, the option as to which project they would do, the developers should be offering every single thing they could in order to ease your decision. **Mayor Ruane** agreed.

Mayor Ruane said he is against the City to take over the storm drain. **Finnegan** said they want to do the project we were hoping not to have issues,

Vice Mayor Medina said we could learn from the past and go forward. **Councilmember Ibarra** agreed.

M/S Ibarra/Medina to waive the second reading and passed with all ayes. Councilmembers O'Connell and Salazar excused with notice.

Councilmember Ibarra introduced the ordinance and passed with a unanimous vote. Councilmembers O'Connell and Salazar excused with notice.

Councilmember Ibarra introduced the resolution and passed with a unanimous vote. Councilmember's O'Connell and Salazar excused with notice.

Councilmember Ibarra introduced the resolution and passed with a unanimous vote. Councilmember's O'Connell and Salazar excused with notice.

c. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract with KJ Woods Construction for the Mastick Avenue Utility Improvements Project in the Amount of \$1,295,286.70 and Approving the Construction Budget in the Amount of \$1,560,000.

Associate Engineer Wong reviewed the staff report and asked for questions.

Councilmember Ibarra said the sewer mains are over fifty years old, isn't everything in the City over 50 years old? What makes this section so important? Are we looking at a lot of replacement and this is just the first? **Wong** said this is the earliest part of San Bruno, more like 1920 or 1930. **Fabry** said the main reason is the cost of the ongoing maintenance.

Councilmember Ibarra said property owners who have been notified should in turn notify the City that they know what is going on. **Fabry** said they would follow-up and make sure the residents are aware.

Vice Mayor Medina said he was concerned about homeowners knowing, as well as parking issues. He wanted to be sure everyone had notification. **Wong** said they anticipate to do a proper

connection and don't anticipate many instances where the water needs to be turned off. They would do due diligence.

Vice Mayor Medina introduced the resolution for adoption and passed with a unanimous vote. Councilmember's O'Connell and Salazar excused with notice.

d. Adopt Resolution Authorizing the City Manager to Execute a Contract with Rockaway Construction, Inc. for the Library Bathroom Remodel and Electrical Service Project in the Amount of \$32,000 and Approving a Construction Budget in the Amount of \$37,000.

Management Analyst Shannon gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked what the \$10,000. of bathroom remodeling? **Shannon** said the bathroom remodel is more than \$10,000; the total price is around \$32,000 with the electrical work around \$15,000. with the portions shifted. Councilmember Ibarra asked what sort of improvements would be made? Shannon said the bathroom layout will switch the toilet and sink will be moved around and the door will be relocated to the magazine room to make it fully accessible.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

e. Adopt Resolution Approving Side Letter Agreement Between the City of San Bruno and the San Bruno Management Employees Association (SBMEA), Extending the Existing Memorandum of Understanding and Authorizing its Execution by the City Manager.

City Manager Jackson said negotiations have been completed with two of the City's bargaining units and she asked for adoption of the resolution.

Mayor Ruane said this information is normally put on a Consent agenda but the City Manager wanted to recognize these employees on behalf the Council, he thanked them for stepping up and helping to make a difference in this difficult budget time.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote. Councilmember's O'Connell and Salazar excused with notice.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

a. Closed Session to Confer with Legal Counsel Regarding Pending Workers' Compensation Claim. (Employee v. City of San Bruno and JT2 Integrated, Workers' Compensation Appeals Board, ADJ3497500) (Cal Gov't Code 54956.9(a).)

b. Closed Session to Provide Direction to Legal Counsel in re *California Trout v. Urban Water Suppliers, et al, State Water Resource Control Board* (Cal. Gov't Code s. 54956.9(a))

c. Closed session to Consider Appointment of Interim City Attorney. (Cal. Gov't Code s. 54957)

d. The City Manager and Human Resources Director Request a Closed Session Pursuant to Cal. Gov't Code Section 4957.6 Regarding Direction for Labor Negotiations with Public Safety Mid-Management, Police, Fire and Mid Management Bargaining Units.

City Attorney Thompson thanked Council, prior and present City Managers, previous and present department heads, her assistant Vi Weber and said she would be happy to assist in the transition to a new City Attorney.

Councilmember Ibarra took the opportunity to thank her and stated he was happy to be a part of the decision-makers when they picked City Attorney Thompson as their attorney.

Vice Mayor Medina said he enjoyed the dialogue he shared with City Attorney Thompson and he wished well wishes for her new career.

Mayor Ruane said Redwood City is really lucky. He said City Attorney Thompson was always at their heels and cautioned us to always be careful. He said If she didn't know the answer, she would always find an answer. He said she would be missed immensely.

14. ADJOURNMENT:

Mayor Ruane closed the Council meeting at 8:18 p.m. The next regular City Council Meeting will be held on July 13, 2010 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
July 13, 2010

Carol Bonner, City Clerk

Jim Ruane, Mayor